

# Court of Appeals, State of Michigan

## ORDER

Toni Rusnak v Matt Walker

Docket No. 264671

LC No. 04-059692-NO

William C. Whitbeck, C.J.  
Presiding Judge

Judges of the  
Court of Appeals

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The Court orders that a special panel shall be convened pursuant to MCR 7.215(J) to resolve the conflict between this case and *Kent v Alpine Valley Ski Area, Inc*, 240 Mich App 731; 613 NW2d 383 (2000); *McCormick v Go Forward Operating Ltd Partnership*, 235 Mich App 551; 599 NW2d 513 (1999); *Barr v Mt Brighton, Inc*, 215 Mich App 512; 546 NW2d 273 (1996).

The Court further orders that section IV of the opinion in this case, which addresses whether the assumption of risk provision of MCL 408.342(2) renders a skier absolutely immune from liability for causing a collision with another skier, even if that collision was the result of violations of duties set forth elsewhere in the Ski Area Safety Act, MCL 408.321 *et seq.*, is VACATED. MCR 7.215(J)(5).

Appellant may file a supplemental brief within 21 days of the Clerk's certification of this order. Appellee may file a supplemental brief within 21 days of service of appellant's brief. Nine copies must be filed with the Clerk of the Court.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 16 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk